

12-29-05

12/29/05

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: René Francois Monet
For: NECTARINE TREE 'S 6606'
Serial No.: 10/642,443
Filed: 8/14/2003
Examiner: Anne Marie Grunberg, 1661
Docket: BR6.P30

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMITTAL BY EXPRESS MAIL

Express Mail Label No: ER 508885332 US

Date of Deposit: December 27, 2005

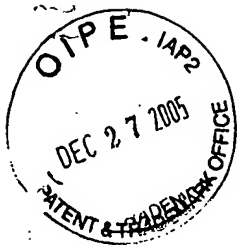
I hereby certify that the following attached papers and/or fees:

1. Notice of Fee Deficiency
2. Check No. 13036 for \$840.00
3. Return Receipt Post Card

are being deposited with the United States Postal Service "Express Mail to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Michelle Bos


Signature



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December 27, 2005

RESPONSE TO NOTICE OF FEE DEFICIENCY


Sir:

Enclosed herewith is a copy of the Notice of Fee Deficiency dated December 7, 2005.

Also enclosed herewith is a check in the amount of \$840 to cover the fee due of \$790 in addition to the service charge of \$50.00.

Respectfully Submitted,

STRATTON BALLEW PLLC


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UNITED STATES PATENT AND TRADEMARK OFFICE

10-642443

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov



Paper No.

NOTICE OF FEE DEFICIENCY

The informality regarding the payment of the fee is indicated below in connection with

- ☐ the original filing of the application and/or preliminary amendment (e.g. additional claim fees)
- ☒ the reply filed on 11-10-05. The reply is not fully responsive to the prior Office action because of the following matter(s). See 37 CFR 1.111 and 37 CFR 1.135.

FEE(S) DUE

- ☒ 1. The reply (e.g., amendment) is considered incomplete in that the funds in Deposit Account No. 50-0269 are insufficient to cover the entire fee due. The balance* is due within the time period set below.
- ☐ 2. The reply (e.g., amendment) is considered incomplete in that the Credit Card payment to cover the entire fee due to Account _____ (Card type + last 4 digits ONLY) was refused.
- The balance* is due within the time period set below.
- ☐ 3. The reply (e.g., amendment) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record. Remittance or authorization is due within the time period set below.
- ☐ 4. The filing fee of \$ _____ submitted in this application is insufficient. A balance of \$ _____ is due for presentation of excess claims (37 CFR 1.16(b) & (c)).
- ☐ 5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

APPLICANT IS GIVEN A TIME PERIOD OF ~~ONE (1) MONTH~~ or ~~THIRTY (30) DAYS~~ FROM THE MAILING DATE OF THIS NOTICE, WHICHEVER IS LONGER, WITHIN WHICH TO REMIT THE FEE \$ 790.00 IN ORDER TO AVOID ABANDONMENT. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

THE INDICATED AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE YEARLY ON OCTOBER 1 (37 CFR 1.16 & 1.21). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS NOT NECESSARILY THE FEE INDICATED ABOVE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS POSTED ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

*Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Rinda Humes
Legal Instruments Examiner (LIE) or Clerk of Group

Inquires regarding this Notice should be addressed to the above at 571-272-0530 (insert Phone Number).